

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW MEXICO
3 UNITED STATES OF AMERICA,
4 Plaintiff,
5 vs. NO: CR-15-4268 JB
6 ANGEL DELEON, et al.,
7 Defendants.
8
9

Transcript of excerpt of testimony of
RAYMOND RASCON
May 9, 2018

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1 THE COURT: All right, Mr. Beck. Does the
2 Government have its next witness or evidence?

3 MR. BECK: Yes, Your Honor. The United
4 States calls Raymond Rascon.

5 THE COURT: Mr. Rascon, if you'll come up
6 and stand next to the witness box on my right, your
7 left, before you're seated, my courtroom deputy,
8 Ms. Bevel, will swear you in.

9 RAYMOND RASCON,

10 after having been first duly sworn under oath,
11 was questioned, and testified as follows:

12 THE CLERK: Please state your name and
13 spell your last name for the record.

14 THE WITNESS: My name is Raymond Rascon.
15 R-A-S-C-O-N.

16 THE COURT: Mr. Rascon, Mr. Beck.

17 MR. BECK: May I have a moment, Your
18 Honor?

19 THE COURT: You may.

20 DIRECT EXAMINATION

21 | BY MR. BECK:

22 Q. Good afternoon, Mr. Rascon.

23 A. Good afternoon.

24 Q. Are you now or have you been a member of
25 the Syndicato de Nuevo Mexico prison gang?

1 A. I was. I'm denounced.

2 Q. Did you go by any other names in the gang?

3 A. My nickname has always been my nickname,
4 Cheeky.

5 Q. I want to talk to you -- have you ever
6 heard the term earning your bones or your huesos?

7 A. Yes.

8 Q. And did you ever earn your bones or huesos
9 for the SNM?

10 A. No.

11 Q. Have you ever done any crimes for the SNM?

12 A. Nope.

13 MR. BECK: Your Honor, at this time the
14 United States moves to admit into evidence
15 Mr. Rascon's penitentiary pack, which is Exhibit
16 326.

17 THE COURT: Any objection from any
18 defendant?

19 Not seeing or hearing any objection,
20 Government's Exhibit 326 will be admitted into
21 evidence.

22 (Government Exhibit 326 admitted.)

23 BY MR. BECK:

24 Q. Mr. Rascon, I'm going to show you what's
25 been admitted as Government's Exhibit 326. Have you

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1 ever seen this document before?

2 A. No, not that I remember, no.

3 Q. I wouldn't expect that you have. Is that
4 your name and your Corrections Department number
5 there?

6 A. Yes, sir.

7 Q. I'm going to take you to Bates No. 69178
8 in this exhibit. Do you recognize this as a
9 judgment, sentence, and commitment of yours from
10 December of 2004?

11 A. Yes.

12 Q. Then I'll turn to the next page. Did you
13 plead guilty in a series of cases in December of
14 2004 to the crimes of residential burglary,
15 trafficking in controlled substance, distribution of
16 cocaine, trafficking by distribution of cocaine, and
17 bringing contraband into a jail?

18 A. Yes, sir.

19 Q. I'm going to show you Bates No. 69181.
20 For those guilty pleas, were you sentenced to a
21 total of 13 years with seven years' suspended for a
22 six-year sentence?

23 A. Yes, sir.

24 Q. Then I'm going to take you to Bates No.
25 69184. In May of 2011 was your probation revoked

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1 for absconding from supervision related to those
2 charges?

3 A. Yes, sir.

4 Q. And on the next page, were you then
5 incarcerated for the remainder of the term to 730
6 days in prison?

7 A. I think there is something wrong with that
8 there.

9 Q. Okay. We can go back a page.

10 A. I was sentenced to two years that I owed
11 for the rest on my probation. I went back and did
12 that. But this -- oh, well, I got mixed up.
13 Because Geoffrey Scovil represented me, and the
14 report that I got at Southern.

15 Q. Revocation. Okay. What's the next page?

16 A. Okay. That's correct.

17 Q. And so this is the revocation of your
18 probation where you were sentenced to I think you
19 said two years, or about 730 days; is that right?

20 A. Yes, sir.

21 Q. Mr. Rascon, I want to take you to June of
22 2007. Do you remember where you were incarcerated
23 in June of 2007?

24 A. Yes, at Southern New Mexico Correctional
25 Facility.

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1 Q. And do you remember in which housing unit
2 you were housed?

3 A. I don't know. Was it J pod? I don't
4 know. Was it was blue pod? I know it was blue pod.

5 Q. I'm going to show you --

6 A. Probably Jack unit.

7 Q. I'm going to show you what's been admitted
8 as Government's Exhibit 247. Do you recognize
9 what's depicted in Government's Exhibit 247?

10 A. Yes.

11 Q. And is this the unit you were housed in in
12 June of 2007?

13 A. Yes.

14 Q. And over the years did the housing units
15 change at Southern New Mexico Correctional Facility
16 from a lettering system to a numbering system, if
17 you know?

18 A. I think it had.

19 Q. Do you remember what cell you were housed
20 in in June of 2007?

21 A. Yes, I was in -- I don't know if it was
22 the same number, but I was housed in --

23 THE COURT: Hold on just a second. You'll
24 have to stay near that microphone. Pull it toward
25 you. It will move. All right. Try that.

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1 THE WITNESS: Okay. Well, this one says
2 cell 114. That was the cell I was in.

3 BY MR. BECK:

4 Q. I think if you press the button so the
5 green light comes on. Did you say 114? That's the
6 cell that you were in?

7 A. Yes, sir.

8 Q. And I'm going to go ahead and circle it on
9 Exhibit 247. Is that circling 114 there on the
10 lower tier -- is that the cell that you were in?

11 A. Yes, sir.

12 Q. I'd like to talk to you about June 16 of
13 2007. Please leave that up. Thank you. Who was
14 housed here next to you in cell 113?

15 A. Fred Sanchez.

16 Q. And who was housed here in cell 115 on the
17 other side of you?

18 A. My brother, Brian Rascon.

19 Q. I'm going to show you Government's Exhibit
20 284 now. Do you recognize who is depicted in that
21 photograph?

22 A. Yes, sir. That's Fred Sanchez.

23 Q. Is that the Fred Sanchez that was housed
24 next to you on June 16, 2007?

25 A. Yes, sir.

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1 Q. In that housing unit and on your lower
2 tier, were Javier Alonso and Edward Troup housed in
3 that lower tier with you at the time?

4 A. Yes, sir.

5 Q. What was your relationship with Mr. Alonso
6 and Mr. Troup at that time?

7 A. It was all right, but I didn't trust them.

8 Q. Why is that?

9 A. Because I knew they were out to get me.

10 Q. What do you mean by out to get you?

11 A. There was a green light on me.

12 Q. Why, in your opinion, was there a green
13 light on you?

14 A. Because I didn't take somebody's side to
15 turn against somebody else.

16 Q. And who were those two people?

17 A. I didn't take Styx' side to turn against
18 Julian Romero.

19 Q. So if there was a division between Gerald
20 Archuleta and Julian Romero, which of those two
21 sides did you fall on?

22 A. Julian Romero's.

23 Q. How did you know Julian Romero?

24 A. I was born in Barelas neighborhood in
25 Albuquerque, and that's where he was born. That's

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1 where he was from. So I've known him since I was a
2 kid.

3 Q. Were you housed in the blue pod that we
4 just saw before Fred Sanchez came into the housing
5 unit?

6 A. Yes, sir.

7 Q. How did the other inmates act towards
8 Mr. Sanchez, in your opinion, when he came in and
9 was housed with you all?

10 A. Fake.

11 Q. What do you mean by fake?

12 A. Some gave him the cold shoulder. Some,
13 they talked to him, but you could tell.

14 Q. What could you tell?

15 A. You could tell that they didn't like him.
16 I could tell.

17 Q. At some point after he moved into the
18 housing unit, did you have a conversation with
19 Edward Troup about anything related to Mr. Sanchez?

20 A. Yes, I had a conversation with him and
21 Alonso.

22 Q. What happened?

23 A. They told me that I was going to have to
24 take him out.

25 Q. And where did this happen?

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1 A. In Edward Troup's cell.

2 Q. What happened when they told you that you
3 were going to have to take him out?

4 A. I told them, "No. F no." I was short. I
5 wasn't going to do something stupid like that.

6 Q. Then what happened?

7 A. I went to my brother's room and told my
8 brother they asked me to do that. Me and my brother
9 got ready. I told my brother, "They're going to
10 probably going to come in on me."

11 And when we were in the room, that's when
12 I heard shoes squeaking and banging on the wall.
13 Something was going down.

14 Q. And when you -- let me get this straight.
15 When you heard the squeaking and banging, where were
16 you and your brother?

17 A. We were in my brother's cell.

18 Q. If we could have 247 one more time.

19 So if I understand you correctly, you were
20 in cell 115 here?

21 A. Yes, sir.

22 Q. And where did you hear the squeaking and
23 banging coming from?

24 A. I know it was coming from over there.

25 That's the only place it could have come from, from

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1 Fred's cell, but I didn't see it. I just heard it.

2 Q. What did it sound like to you?

3 A. It sounded like squeaky shoes. It sounded
4 like somebody was getting in, like, a fight.

5 Q. At the time this was going on, did you
6 observe anyone out here in the -- what I'm going to
7 call the large room of the tier?

8 A. I think Bolo and Jesse were out there.

9 But I wasn't paying attention to them. At that
10 time, I was preparing myself in case they ran in on
11 me. Me and my brother were.

12 Q. So if at the time -- if you saw Bolo, is
13 that Ruben Hernandez, Bolo --

14 A. Ruben Hernandez, yes, sir.

15 Q. -- and Jesse Trujillo in the main part of
16 the tier, if you and your brother were in your
17 brother's cell, who else was out in the tier at the
18 time that you weren't accounting for at that time?

19 A. Well, it was Alonso and Troup.

20 Q. And third, I guess --

21 A. And Fred Sanchez.

22 Q. What happened after you heard the
23 struggling and shoes squeaking?

24 A. What happened was, I stood in there. Me
25 and my brother were waiting for somebody to run in

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1 on us. We took apart the broom. He had one end,
2 one piece, and I had the other.

3 Q. At some point did the struggling and noise
4 stop?

5 A. Yeah, it stopped.

6 Q. What happened then?

7 A. Nothing. Seemed like everything went back
8 to normal. But people were still just running
9 around, I guess. I mean, yeah, that's what
10 happened. People were just getting back to --
11 running around. I was still in my brother's cell.

12 Q. I want to show you Government's Exhibit
13 648.

14 A. I can't see it clear.

15 Q. Yeah, this isn't very clear. I just want
16 to ask you a couple of questions about this video.

17 A. Actually, you can't see nothing. If you
18 want to come and look at this, I really can't see
19 nothing.

20 Q. I'll ask you a couple of questions about
21 it, and if you can't answer, you can't answer; and
22 if you can, you can.

23 (Tape played.)

24 Please press pause. So the video right
25 now is at 18:25:11:640. Did you see someone here in

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1 the left side of that screen in what looks like a
2 skull cap or some kind of cap on?

3 A. I can't see it here. I wasn't paying
4 attention to it on there.

5 MR. BECK: May I approach, Your Honor?

6 THE COURT: You may.

7 BY MR. BECK:

8 Q. I don't think yours is much better than
9 ours. Do you see someone down underneath where it
10 says pod 1-A B on the left with sort of a cap on
11 right there?

12 A. I can't see it on here. Can you point it
13 out?

14 Q. If you don't see it, that's fine.

15 Please press play.

16 (Tape played.)

17 Q. Press pause.

18 Do you see a person walking underneath
19 1A-B?

20 A. Yeah, I do see something.

21 Q. Just keep your eye on him. It's at
22 18:25:29. Keep your eye on him.

23 Please press play.

24 (Tape played.)

25 Q. All right. Press pause.

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1 So now at 18:25:57, did you see the person
2 in the skull cap and someone else just enter the
3 room underneath 1A-B pod? Did you see that?

4 A. The one with the skull cap looked kind of
5 like Alonso. Looked like he went and took off the
6 cap.

7 Q. All right. And so in this video did you
8 see two gentlemen down here in the main area of the
9 pod at some point? And if you didn't, that's --

10 A. In the day room area?

11 Q. Yes.

12 A. I think I seen both of them. Hernandez.
13 I can't see the other person. It's very dark on
14 this.

15 Q. That's all right. Is that where you saw
16 Bolo and Jesse Trujillo when you and your brother
17 were in your cell?

18 A. Yes.

19 Q. And thank you. That's fine.

20 And if we can see Government's Exhibit 247
21 one more time, please.

22 THE COURT: Why don't we take this up
23 after the break, Mr. Beck?

24 MR. BECK: We can. That's fine.

25 THE COURT: Let's be in recess about 15

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1 minutes. All rise.

2 (The jury left the courtroom.)

3 THE COURT: All right. We'll be in recess
4 for about 15 minutes.

5 (The Court stood in recess.)

6 THE COURT: All right. It looks like
7 we've got all the attorneys -- or all the defendants
8 in the courtroom, all the attorneys here. Anything
9 we need to discuss before we bring the jury in,
10 Mr. Beck, Mr. Castellano?

11 MR. BECK: Not from the Government.

12 THE COURT: How about from the defendants?
13 Any topics?

14 MS. HARBOUR-VALDEZ: No, Your Honor.

15 THE COURT: All right. All rise.

16 (The jury entered the courtroom.)

17 THE COURT: All right. Everyone be
18 seated.

19 All right, Mr. Rascon, I'll remind you
20 that you're still under oath.

21 Mr. Beck, if you wish to continue your
22 direct examination of Mr. Rascon, you may do so at
23 this time.

24 MR. BECK: Thank you, Your Honor.

25 THE COURT: Mr. Beck.

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1 BY MR. BECK:

2 Q. Mr. Rascon, I'm just going to briefly show
3 you Government's Exhibit 648 where we left off.
4 We're going to start it here at 18:25:34.

5 Please press play.

6 (Tape played.)

7 Q. All right. Again, here, did you see two
8 people, one with the first skull cap on enter the
9 cell under where it's marked 1A-B pod there?

10 A. Yes, I did.

11 Q. All right. Will you please show us
12 Government's Exhibit 247?

13 Now, Mr. Rascon, here under 1A-B pod --

14 A. Um-hum.

15 Q. -- which cell -- who lives in the house or
16 the cell under where it says 1-A-B pod in
17 Government's Exhibit 247?

18 A. My brother, Brian Rascon.

19 Q. Now, after June 16, 2007, do you remember
20 when the CO found Fred Sanchez's body?

21 A. Yes.

22 Q. What do you remember about that?

23 A. I remember I was still asleep in my cell,
24 and I heard the CO scream. He yelled or something.
25 And then all of a sudden, all the COs come running

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1 in, "Lockdown, lockdown," and I never had a chance
2 to get out of my cell.

3 So then I see the medical examiners and
4 they brought in a stretcher and all that kind of
5 stuff.

6 Q. After that, were you moved to the North
7 facility at the Penitentiary of New Mexico?

8 A. Yes, sir.

9 Q. At some point did you hear -- were you out
10 in the yard with Edward Troup?

11 A. Yeah, I was out in the yard. He was in
12 the yard also.

13 Q. All right. I'm going to show you
14 Government's Exhibit 828. Do you recognize this as
15 an aerial view of the PNM North facility in Santa
16 Fe?

17 A. I don't know how it looks from the air,
18 but...

19 Q. When you were in the yard together, were
20 you in Jurassic Park? Is that what it's called?

21 A. No, we were in between the pods. They
22 have these little yards with little cages in between
23 the pods.

24 Q. And that was at the North or the South
25 facility?

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1 A. It was at the North.

2 Q. Okay. Do you recognize where that is on
3 this diagram?

4 A. I can't tell you that exactly, no.

5 Q. When you were in the yard with Mr. Troup
6 after the murder, did you hear him say something?

7 A. Yeah, I heard -- somebody was passing by,
8 and I heard him say, "Guess who's not breathing."

9 Q. And who did you understand Mr. Troup to be
10 referring to?

11 A. He had to be referring to Fred Sanchez.

12 MR. BECK: May I have a moment, Your
13 Honor?

14 THE COURT: You may.

15 MR. BECK: Nothing further, Your Honor.

16 THE COURT: Thank you, Mr. Beck.

17 Cross-examination?

18 MS. HARBOUR-VALDEZ: No, thank you, Your
19 Honor.

20 THE COURT: Ms. Harbour-Valdez. Anyone
21 else have any cross-examination? Hold on a second.
22 All right.

23 MR. BLACKBURN: No, Your Honor.

24 THE COURT: No? Anybody else?

25 Mr. Cooper? Mr. Sindel? Anyone else?

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1 All right, Mr. Rascon. You may step down.

2 Is there any reason Mr. Rascon cannot be
3 excused from the proceedings? Mr. Beck?

4 MR. BECK: Not from the Government.

5 THE COURT: Any other defendant have any
6 objection to him being excused?

7 Not seeing or hearing any, you are
8 excused. Thank you for your testimony.

9 THE WITNESS: Thank you, Your Honor.

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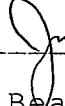
4 C-E-R-T-I-F-I-C-A-T-E

5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,
6 Official Court Reporter for the State of New Mexico,
7 do hereby certify that the foregoing pages
8 constitute a true transcript of proceedings had
9 before the said Court, held in the District of New
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my
12 hand on this 20th day of May, 2018.

13

14



15 _____
16 Jennifer Bean, FAPR, RMR-RDR-CCR
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